

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, ) CASE NO. CR06-67-MJP  
12 v. )  
13 ) DETENTION ORDER  
14 CARL LEBREATH JUSTICE, )  
15 Defendant. )

**Offense charged:**

## Possession of Cocaine Base with Intent to Distribute.

Date of Detention Hearing: March 16, 2006

19 The Court, having conducted a contested detention hearing pursuant to Title 18  
20 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
21 hereafter set forth, finds that no condition or combination of conditions which the defendant  
22 can meet will reasonably assure the appearance of the defendant as required and the safety  
23 of any other person and the community. The Government was represented by Annette  
24 Hayes. The defendant was represented by Michael Filipovic.

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**DETENTION ORDER**  
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1           FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 2           (1) There is probable cause to believe the defendant committed the drug  
3           offense. The maximum penalty is in excess of ten years. There is  
4           therefore a rebuttable presumption against the defendant's release based  
5           upon both dangerousness and flight risk, under Title 18 U.S.C. §  
6           3142(e).
- 7           (2) Due to the nature of the instant offense, defendant is viewed as a risk of  
8           danger to the community. Defendant has an extensive criminal record  
9           that includes prior drug convictions. At the time of his arrest, officials  
10          recovered crack cocaine, ecstasy and a firearm from the car defendant  
11          was entering. The Washington Department of Corrections has  
12          corroborated their belief that he is a member of the Black Gangsta  
13          Disciple gang.
- 14          (3) Defendant has a history of nonappearance and failure to comply with  
15          court orders, pending state charges and a pending probation violation.
- 16          (4) Based upon the foregoing information which is consistent with the  
17          recommendation of U.S. Pre-trial Services, it appears that there is no  
18          condition or combination of conditions that would reasonably assure  
19          future Court appearances and/or the safety of other persons or the  
20          community.

21           **It is therefore ORDERED:**

- 22          (1) The defendant shall be detained pending trial and committed to the  
23          custody of the Attorney General for confinement in a correction facility  
24          separate, to the extent practicable, from persons awaiting or serving  
25          sentences or being held in custody pending appeal;
- 26          (2) The defendant shall be afforded reasonable opportunity for private

1           consultation with counsel;

- 2           (3) On order of a court of the United States or on request of an attorney for  
3           the Government, the person in charge of the corrections facility in which  
4           the defendant is confined shall deliver the defendant to a United States  
5           Marshal for the purpose of an appearance in connection with a court  
6           proceeding; and  
7           (4) The clerk shall direct copies of this order to counsel for the United  
8           States, to counsel for the defendant, to the United States Marshal, and to  
9           the United States Pretrial Services Officer.

10          DATED this 17<sup>th</sup> day of March, 2006.

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14          MONICA J. BENTON  
15          United States Magistrate Judge  
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